HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.10274 of 2007
and
CONTEMPT CASE No.439 of 2007

WRIT PETITION No.10274 of 2007

Between:
Telangana Raastra Viodyut Karmika Sangam,
Regd. No.H-58, H.No.3-7-443, beside 132/33,
KVSS, Jagityal Road, Karimnagar, represented
By its General Secretary K.Prakash. … Petitioner

And

1. The Chairman and Managing Director,
A.P. Transco, Vidyutsoudha, Hyderabad
and 3 others. …. Respondents

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CONTEMPT CASE No.439 of 2007

Between:
Telangana Raastra Viodyut Karmika Sangam,
Regd. No.H-58, H.No.3-7-443, beside 132/33,
KVSS, Jagityal Road, Karimnagar, represented
By its General Secretary K.Prakash. … Petitioner

And

1. Smt. Rechel Chatterjee,
Chairperson and Managing Director,
A.P. Transco, Vidyutsoudha,
Hyderabad and 3 others. … Respondents.

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COMMON ORDER:

This writ petition has been instituted seeking a writ of *Mandamus* to declare that the office bearers of the petitioner union is also entitled for protection from transfer and other concessions, which were extended to three other unions by the respondents.

2. The petitioner asserts that it is a trade union established in the year 2005 for the purpose of espousing the cause of employees working in A.P. TRANSCO, AP GENCO, APCPDCL and APNPDCL. But, however on the ground that the facilities which are extended to the other trade unions and the office bearers thereof, particularly, in matters such as transfers, the petitioner's union having not been extended such a facility, it has instituted the present writ petition.

3. The respondents have taken the stand that after the former APSEB has been bifurcated and two separate wings-AP GENCO and AP TRANSCO-have been constituted, there are no recognized trade unions, but, however with a view to maintain cordial industrial relationship, the previously recognized trade unions and their office bearers have been extended certain benefits. One of them is to ensure that the office bearers of the recognized trade union do not suffer transfers in particular frequently. This would enable the representatives of the trade union to effectively pursue the causes and claims of the trade union concerned. However, Sri G. Vidya Sagar, learned counsel appearing for the respondents and Sri K. Chidambaram, learned Standing Counsel for the respondents had persuaded their clients to accord as far as possible similar benefits as are extended to the formerly recognized trade unions, whose recognition has not been either renewed or granted afresh by the existing bodies. Consequently, the respondents passed orders through their Director (Human Resources Development of the APNPDCL, Warangal) and retained the office bearers of the petitioner's trade union working in Warangal Circle, Karimnagar Circle and Nizamabad Circle. Thus, the respondents themselves have come forward and extended the benefit or concession which the petitioner trade union perceived to have confined only in favour of other two or three trade unions. Undoubtedly, it is the prerogative of every employer to fix conditions of service which are appropriate to both the employer and

employee and no employee has got a fundamental right to insist upon a particular kind of concession or favourable treatment to be meted out to them. But, however some measures, which are considered as vital, for bringing in good industrial relations are put in place by all model employers. It was only to ensure that there would be right atmosphere and working environment in which the contribution of the individual employees would be at their very best. That would ensure the over all growth and improvement of efficiency of the organization itself. Since the respondents are public sector service providers, it is only expected that the trade unions like the petitioner and their representatives would reciprocate in such necessary and appropriate measure the goodwill shown by the employer by extending the concession in their favour as well.

4. Since the essential grievance of the petitioner has been redressed, the writ petition does not survive for adjudication and consequently the same is disposed of without costs.

5. In view of the decision in the writ petition, no purpose would be served in pursuing C.C.No.439 of 2007 and, hence, the notice issued therein is discharged. No costs.

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(NOOTY RAMAMOHANA RAO, J)

Date: December 11, 2007.

BSB